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Public Service Commission

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May 1, 2017

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Re: Case 17-F-0182 - Application of Mohawk Solar LLC for a Certificate of Environmental Compatibility and Public Need Pursuant to Article 10 of the Public Service Law for Construction of a Solar Electric Generating Facility in the Towns of Canajoharie and Minden, Montgomery County.

Dear Mr. Wilson,

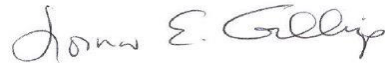
This letter is to inform you that Staff of the New York State Department of Public Service ("DPS Staff") has reviewed the proposed Public Involvement Program Plan ("PIP Plan") for the proposed Mohawk Solar ("the Project") filed on March 31, 2017, by Mohawk Solar LLC, a subsidiary of Community Energy Solar, LLC ("Mohawk Solar or the "Applicant").

While we recognize that the Applicant has made significant efforts in its public outreach, in an effort to guide and assist you in preparing an adequate and robust PIP Plan, DPS Staff has prepared some specific recommendations, which are outlined in Attachment A. DPS Staff believes that the application process will be streamlined if the Applicant develops a thorough PIP Plan that includes outreach to potentially affected stakeholders early in the process to effectively obtain preliminary input that will guide developing the scope of studies for the application.

Pursuant to 16 NYCRR §1000.4(e), Mohawk Solar "shall within 30 days consider the measures recommended by DPS [Staff] and, in a final written Public Involvement Program plan filed with the Secretary, shall as to each specific measure either revise the Public Involvement Program Plan to incorporate the DPS [Staff] recommendation, or provide a written explanation as to why the Applicant is not incorporating the DPS [Staff] recommendation."

If you have any questions or need additional information regarding the attached DPS Staff recommendations, please contact me at (518) 474-1788 or by e-mail at lorna.gillings@dps.ny.gov.

Sincerely,

A handwritten signature in cursive script, reading "Lorna E. Gillings".

Lorna Gillings
Consumer Advocacy and Education
Office of Consumer Services

cc: (via e-mail): Kathleen H. Burgess, Secretary to the Commission
Graham Jesmer, Assistant Counsel, Office of General Counsel
Erin O'Dell-Keller, Manager, Officer of Consumer Services
Ryan Irwin, Community Energy Solar, LLC

New York State Siting Board Case 17-F-0182
Mohawk Solar Project

PIP Plan – DPS Staff Comments

Attachment A

The Department of Public Service (DPS) Staff provides the following recommendations with respect to the adequacy of the draft Public Involvement Program (“PIP”) Plan filed by Mohawk Solar LLC (Mohawk Solar), a subsidiary of Community Energy Solar, LLC (the Project).

General Comments

1. DPS Staff recommends that the Applicant add the case number to the front cover page in the final PIP Plan.
2. In the list of acronyms, the PIP should be defined as Public Involvement Program Plan.
3. DPS recommends that the Applicant include efforts to consult with DPS staff at appropriate times during the outreach period, including during early development of the Preliminary Scoping Statement.

1.0: Introduction

1. The last sentence of the second paragraph notes that stakeholder concerns will be evaluated. The purpose of the PIP Plan goes beyond addressing stakeholder concerns and should acknowledge that it is meant to foster participation in the process. The language should be expanded to state that stakeholder concerns, interests, local knowledge, and recommendations will be evaluated, addressed and considered by the Applicant and Siting Board.

2.2: Project Summary

1. In the first paragraph, the term 90 MW-AC is used for the first time. Although “AC” is in the list of acronyms, it should still be defined here since this is the first instance noting that the facility is generating AC power.
2. The third sentence of the first paragraph is incomplete.
3. Provide details of the anticipated socioeconomic benefits of the Project, including:
 - (a) an estimated number of temporary and permanent local employment opportunities that will be generated by construction and operation of the Project;
 - (b) the estimated duration of temporary local employment opportunities that will be generated during Project construction;
 - (c) the estimated dollar amount of revenue anticipated to the County and local municipality tax bases.
4. Provide additional information regarding the St Johnsville-Marshville line and the existing substation. For example, provide the name of the substation and indicate that the

line and substation are owned/operated by National Grid. Describe briefly where the line and substation are located relative to the facility. (Could move the first paragraph on page 7 to here).

5. At the start of the third paragraph, include the towns and county in the description of the facility area.
6. The last paragraph of this section discusses the decommissioning of the project. However, there is no time frame given. What is the anticipated life of the project?

2.3: Study Area

DPS Staff recommends that additional consideration be given to the proposed study area for the project. The study area proposal of two miles may be adequate for identifying an appropriate public outreach community, however, the development of approximately 1,000 acres of solar photovoltaic (PV) facilities may present a relatively large developed footprint given the character of the area and a massing of facilities such that potential visual impacts may occur. Specifically, the facility will include potentially reflective surfaces, which, particularly from any scenic vistas at elevated landscape positions several miles southerly of the facility site, may cause glare and therefore warrant consideration in developing a final project Study Area. DPS recommends that the Applicant consult with Staff prior to development of the Preliminary Scoping Statement (PSS), and that the developer provide additional information regarding the facility technology and design considerations, and consider proposing an increased study area for the purpose of visual resource evaluation.

3.0: Identification of Stakeholders [see 2.3; 3.6]

1. DPS Staff recommends that the draft PIP Plan be revised to expand the definition of “adjacent landowners.” DPS Staff recommends identifying adjacent landowners as landowners with property within 2,500 feet of a solar collector array, or substation, or within 500 feet of other Project components (e.g., collection lines, POI, O&M facility, etc.)
2. The identification of stakeholders should include National Grid. Also, National Grid should be added to Exhibit A – Master List of Stakeholders/Notification List.

The stakeholder list includes the Amish/Mennonite community but does not include contact information in Exhibit A. Contact information may be available from the Town Clerk.

3.6: Host and Adjacent Landowners

DPS Staff recommends that the Applicant add the following statement to this section: “Host and adjacent landowners will be included in mailings, outreach activities and notifications that are provided to the stakeholders identified in this PIP and as the project progresses. However, for privacy purposes, the stakeholder list may include addresses or parcel numbers rather than landowner identification.”

5.0: Proposed Public Involvement Program

1. DPS Staff recommends including a new section (5.1) entitled “Project Contact Information” and include the contact and repository information found on page 19.
2. Staff recommends that in the Final PIP the Applicant clearly state the hours of operation when Project representatives will be available to the public. The Applicant should indicate if there will be a local Project office and how it will advertise the hours of the field office other than the Project Website. This section should also indicate how it will address calls/comments received on the local and toll-free lines during non-business hours.
3. Staff recommends adding the following library as a document repository:

Fort Plain Free Library
9 Willett Street
Fort Plain, NY 13339
4. The final PIP Plan should be made available at all document repositories.

5.3: Activities to Educate the Public on the Proposal, Process, and Funding

1. To the extent possible at this stage, the Applicant should include in the PIP Plan a project schedule, with key project milestones and dates/times/locations for public participation opportunities.
2. This section should include the actions the Applicant will take to reach out to the Amish/Mennonite community to notify them of the project, outreach activities, milestones, etc.

5.3.1 Public Meetings

1. DPS Staff recommends that the Applicant host two open-house style meetings prior to the submittal of the PSS and two after the submittal of the PSS. The meetings can be held at two different times on the same day or on different days. This will accommodate workers’ schedules and provide the best opportunity for interested persons to attend.
2. DPS Staff recommends that notification of the open house(s) should be made by mail/email and published in a newspaper of general circulation at least fourteen days before the event. Given that Section 3.6 the landowners (host and adjacent) are not included in the stakeholder list at this time, explain how these entities will be advised of the public meetings. The Applicant should consider a mass mailing to all residents in the Study Area to announce the initial set of meetings. Following the initial meetings, the stakeholder list will be updated to include the landowners and others who have requested to be notified of project activities. The updated list should be used for the second round of meetings.
3. DPS Staff recommends the Final PIP be updated to include an estimated timeline when the open houses will be held.

4. DPS also requests that Applicant provide DPS Staff with informal notice of pending public meetings or open house activities.

5.4: Website

1. The PIP Plan should identify a response period for inquiries and comments received. A response process should include same day recognition that a request was received. A response should be no more than 2-3 days where feasible, and if the request involves obtaining written documents the response should include estimated mailing date of the materials.
2. The PIP Plan should include information on whether the website will be used to add interested parties to the stakeholder list.

5.5: Notifications

1. The notifications section should include the Applicant's plan for noticing the submittal of the PSS as well as the Application.
2. The Applicant should provide a notice of the PSS and Application submittals to the entire stakeholder list. This list should be updated to include host and adjacent landowners and interested parties that have requested to be added to the list.

6.0: Required Airport/Heliport Pre-Application Consultation

1. DPS Staff recommends that the privately-owned Nellis Field Airport, which is still in operation, should be considered as a Stakeholder. The Airport is located at 83 West 8th in Harrison, NY 13339 which is approximately 3.8 miles from Minden.

Exhibit A – Master List of Stakeholders/Notification List

Update as follows:

- Remove Patricia Acampora, Commissioner, NYS Department of Public Service
- Remove Audrey Zibelman, Chair, NYS Department of Public Service
- Update information: Gregg Sayre, Interim Chair and Interim Chief Executive Officer, NYS Department of Public
- Add Information: James Denn, Public Information Officer, NYS Department of Public Service; Lorna Gillings, Outreach Contact, NYS Department of Public Service

Contact persons as well as email addresses should be established for those agencies without an individual or contact email listed.

Document repositories should be included in the Stakeholder list.

Identify the method(s) used to inform the Amish and Mennonite Community about participation as a Stakeholder.

The Applicant should add additional stakeholders identified by DPS Staff in comments above, and the results of early consultations with these stakeholders, as recommended above.

Exhibit C: PIP Meeting Log

1. The Applicant should provide a log that has been filled in with project activities/public outreach to date.
2. For entries where the Applicant indicates that it has conducted a mailing to the stakeholder list (e.g. prior to the open house meetings), the Applicant should provide an affidavit stating that it used its stakeholder list (including participating and/or adjacent landowners) and file a copy of the list with the Secretary to the Commission.